M/s. Glaxo case against DPEA recovery

873. CHOWDHARY RAM SEWAK: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether it is a fact that M/s. Glaxo has gone to the Delhi High Court against recovery on account of Drug Price Equalisation Account; and

(b) if so, what are the grounds on which they have gone to the court and the action taken by Government in the matter?

THE MINISTER OF PETROLEUM AND CHEMICALS (SHRI M. S. GURUPADASWAMY): (a) Yes, Sir.

(b) The entire matter is now *sub judice*.

Assessment of liability on Baralgon Ketone

874. CHOWDHARY RAM SEWAK: Will the Minister of PETROLEUM AND CHEMICALS be pleased to refer to the answer to Unstarred Question 315 given in the Rajya Sabha on the 7th May, 1990 and state:

(a) what were the considerations on which special team assessed the liability no the price of Rs. 8019/- per kg. of Baralgon Ketone;

(b) when was the price of Rs. 8019/- implemented and what were the prices of finished medicines fixed on the price of Rs. 8019/- per kg.;

(c) whether scrutiny of assessment made by special team has been completed; and

(d) if so, what are the findings of the review and what is the final assessment made after review?

THE MINISTER OF PETROLEUM AND CHEMICALS (SHRI M. S. GURUPADASWAMY): (a) The Special Team took into consideration the notional price of Rs. 8019.00 per kg. for Baralgone Ketone for determining the liability of M/s. Hoechst, based on the contentions of the company.

(b) Formulation prices were, however, never based on Baralogne Ketone price of Rs 8019/- per kg.

(c) and (d) As a result of scrutiny of the findings of the Special Team, tentative recovery of a sum of Rs. 17.46 crores upto December, 1989 as due from M/s. Hoechst in respect of Baralgone Ketone was communicated to the company on 30th May, 1990. The submissions made by the companies have been rejected and they have been asked to make available all the details so that their liability could be finalised.

875. [*Transferred to 23rd August, 1990*]

Undertaking given by M/s. Hoechst on assessment regarding overcharged amounts

876. CHOWDHARY RAM SEWAK: Will the Minister of PETROLEUM AND CHEMICALS be pleased to refer to Unstarred Question 343 given in the Rajya Sabha on 7th May, 1990 and state:

(a) whether it is a fact that M/s. Hoechst gave an undertaking in the Supreme Court on assessment regarding overcharged amounts;

(b) if so, what are the details of the undertaking;

(c) whether it is a fact that the Special Team deliberately ingnored this undertaking for consideration; and

(d) if so, what action has been taken against the members of the Team and these who examined and accepted their findings for the lapse?

THE MINISTER OF PETROLEUM AND CHEMICALS (SHRI M. S. GURUPADASWAMY): (a) and (b) M/s. Hoechst India Ltd. gave an undertaking in the Delhi High Court to deposit in the Court the difference in the price of formulations in question for being deposited in the Equalisation Account in case the petition is dismissed and the rule is discharged. The Supreme Court in its judgement of April-May, 1987 on the Special Leave Petition filed by the Government against the High Court judgement resorted those undertaking.

(c) Since the said undertakings were *ipso facto* binding on the concerned companies,

the question of any one ignoring them does not arise.

(d) The findings of the Special Team are still under scrutiny and no opinion can be formed or conclusion arrived at, till the scrutiny is completed.

Submission of details by drug formulators

877. CHOWDHARY RAM SEWAK: Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) what are the names of formulations in respect of which notices for overcharging have been issued to formulators during the last three years:

(b) whether it is a fact that majority of the formulators have not provided the details as asked for by his Ministry; and

(c) if so, what are the names of those formulators and what steps have been taken to get the required details?

THE MINISTER OF PETROLEUM AND CHEMICALS (SHRI M. S. GURUPADASWAMY): (a) A statement giving the requisite details to the extent available is annexed. (*See* below).

(b) and (c) It is a fact that most of the formulators are reluctant to provide the details asked for by the Government to calculate the amount of unintended benefit. The Government has already decided to give them a final hearing before launching prosecution against such companies.

Statement

S. No.	Name of the Company	Name of the Formulations
1.	M/s. Carews Pharmaceuticals	Combiflam tablets
2.	M/s. Celsus Pharmaceuticals	Ibudex Capsules
3.	M/s. Inlar (I) Ltd.	Dexatopic Cream
4.	M/s. Lyka Labs.	Flucort Range of formulations.
5.	M/s. Novocare Pvt. Ltd.	Magadol tablets
6.	M/s. Ultim Pharmaceuticals	Proxyvon range of formulations
7.	M/s. Sandoz (I) Ltd.	Multi vitamins
8.	M/s. Abbott Labs.	Multi Vitamins
9.	M/s. Pfizer Ltd.	Multivitamins plus Protinex
10.	M/s. Parke Davis including M/s. Warner Hindustan	Multi Vitamins

Liabilities of M/s. Glaxo and M/s. Hoechst

878. SHRI DHULESHWAR MEENA:
SHRI ASHOK NATH VERMA:

Will the Minister of PETROLEUM AND CHEMICALS be pleased to state:

(a) whether it is a fact that Special Team did not collect the details from M/s Glaxo and M/s. Hoechst which were required for determining the liabilities of these companies as reported in 'Hindustan Times' of the 28th July, 1990;

(b) when was the standard format designed by Special Team and what was the information asked;

(c) when was the format sent to these companies;